

# ORDINANCE # 601

- (A) Certification. Historic properties must be certified by the County Council as eligible to receive the special tax assessment under this article. To obtain certification, owners of historic property must meet all requirements of this article and the regulations of the South Carolina Department of Archives and History (SCDAH). The owner shall receive a certification form, approved by the County of Marlboro indicating all requirements have been met.
- (B) Eligible Properties. To be certified as eligible, properties must:

- (1) Be listed on the National Register of Historic Places, either individually or as a contributing property in a district, or have been constructed fifty (50) years prior to the date of application and designated as historic by Marlboro County Council either individually or as contributing property in a local district; and
- (2) Not be located in a tax increment financing district with outstanding bonds at the time of the application.

(C) **Moved Properties.** The moving of historic buildings from their original site is generally discouraged. If such property is moved as part of a rehabilitation project it may be eligible for the special tax assessment if:

- (1) It has been locally designated as historic but will retain, on a new site, the characteristics that made it eligible for historic designation on the former site.
- (2) It has not yet been designated historic but will meet designation criteria on its new site.
- (3) It is listed on the National Register of Historic Places and the movement meets all standard and procedures of the United States Department of Interior (USDIO) and the South Carolina Department of Archives and History (SCDAH).

(D) **Removal of Historic Designation.** A designated property may be removed from the list of eligible properties if it no longer possesses the qualities that made it eligible for designation, provided that:

- (1) The property has been removed from the National Register of Historic Places and has not been designated under local criteria should such criteria be established by Marlboro County Council subsequent to the enactment of this article; and
- (2) Owners of property proposed for removal of designation have received thirty (30) days notice prior to such action and are given opportunity to present evidence before a hearing by the Marlboro County Council as to why such removal should not be conducted, should Marlboro County Council promulgate local criteria for the designation of local historic properties and local historic districts subsequent to the enactment of this article.

#### **IV. ELIGIBLE HISTORIC REHABILITATION**

(A) **Standards for rehabilitation.** To be eligible for special tax assessment in this article, historic properties must be preserved according to the following standards:

- (1) A property shall be used for historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic material or alterations of features and spaces that characterize each property shall be avoided to the maximum extent practicable.
- (3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic Significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterizes a property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive feature, the new feature should match the old in design, color, texture, and other visual characteristics and, where possible, materials. Replacement of missing features shall be substantially made by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that causes damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy materials that are historically intrinsic to the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features of the property to protect its historic integrity and environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(B) Value of rehabilitation. The rehabilitation work conducted pursuant to this article must have expenditures:

(1) Exceeding the appraised value of the building on eligible "rehabilitation expenses" for an income-producing property pursuant to the time limitations set forth in subsection (d) in this section.

(C) Scope. The special tax assessment may apply to the following:

(1) Property that is rehabilitated;

(2) Real Property surrounding the building;

(3) Structures that are significant to the rehabilitated property as determined by the Marlboro County Council.

(D) Time Limits. To be eligible for the special tax assessment, rehabilitations must be completed within two (2) years after approval of submitted plans pursuant to Section VI.

## **V. ELIGIBLE LOW TO MODERATE INCOME RENTAL PROPERTY**

(A) Certification. Low to moderate income rental properties must be certified by the County Council as eligible to receive the special tax assessment under this article. To obtain certification, owners of historic property must meet all requirements of this article. The owner shall receive a certification form, approved by the County of Marlboro indicating all requirements have been met.

(B) Eligible Properties. To be certified as eligible, properties must:

- (1) the property will provide accommodations under the Section 8 program as defined in the United States Housing Act of 1937 and amended by the Housing and Community Act of 1974 for low and moderate income families and persons defined by section 31-13-170(p); and
- (2) in the case of income-producing real property, the expenditures for rehabilitation exceed the appraised value of the property; and
- (3) if the low and moderate housing rehabilitation is located in an area designated by the local government as a Low and Moderate Housing Rehabilitation District; and
- (4) the owner or estate of any property certified as “low and moderate income rental property” takes no actions which cause the property to be unsuitable for such a designation and if such action is taken by the owner or estate the county governing body granting the initial certification has the authority to decertify property in such cases and the property becomes immediately ineligible for the special tax assessments provided for this type of property; and
- (5) if the property qualifies as “historic” as defined in subsection (B)(1)(a), (b) or (c) of Section 4-9-195 of the South Carolina Code then the rehabilitation work must be approved by the South Carolina Department of Archives and History; and
- (6) if eligibility shall continue under Section 4-9-195 of the South Carolina Code so long as the owner of the said property takes no action which causes the property to become unsuitable for such designation.

## **SECTION VI. PROCESS FOR HISTORIC PROPERTIES**

- (A) Fee Required. There is a fee of \$100 for each application for review of rehabilitation work conducted pursuant to this ordinance. No application shall be processed without payment of this fee. Cashiers checks should be made payable to the South Carolina Department of Archives and History.
- (B) Plan Required. Owners of property seeking approval of rehabilitation work are encouraged to complete a Rehabilitated Historic Property Application with supporting documentation and application fee prior to beginning work. Rehabilitation work conducted prior to approval of the application is done so at the risk of the owner.
- (C) Preliminary Approval. Upon receipt of the completed application, the Department shall determine if the project is consistent with the Standards for Rehabilitation and shall notify the

owner in writing. Upon receipt of this determination the owner may:

- (1) If the application is approved, begin rehabilitation;
- (2) If the application is not approved, the application may be revised in accordance with comments provided by the Department;
- (3) If the application is not approved, the applying party may appeal the decision.

(D) Substantive Changes. Once preliminary approval is granted to an application, substantive changes must be approved in writing by the Department. Unapproved substantive changes are conducted at the risk of the property owner.

(E) Final Approval. Completed projects may be inspected by the Department or its designee to determine if the work is consistent with the Standard for Rehabilitation.

The Department shall issue final approval when the completed work meets the Standards for Rehabilitation.

(F) Additional Work. After the Department's final approval has been issued, the property owner shall notify the Department of any additional work other than ordinary maintenance, before the ten (10) year expiration of the special property assessment. The Department shall notify the property owner in writing if the overall project is consistent with the Standards for Rehabilitation. If the additional work is found to be inconsistent, the Department shall notify the owner in writing of its decision to rescind approval within thirty (30) days. The property owner may withdraw his request and cancel or revise the proposed additional work.

## **SECTION VII. CERTIFICATION OF PROPERTY**

When property has received final certification and assessed as rehabilitated historic or low to moderate income rental property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any of the following:

- (1) written notice from the owner to the county requesting removal of the preferential assessment; or
- (2) sale or transfer of ownership during the ten (10) year period, except in the course of probate proceedings; or
- (3) Removal of the historic property designation by the Marlboro County Council, or;
- (4) decertification of the property by the local governing body as low or moderate income rental property for persons and families of moderate to low income as defined by Section 31-13-170(p) of the South Carolina Code; or
- (5) rescission of the approval of rehabilitation work by the reviewing authority because of alternations or renovations by the owner or his estate which cause the property to no longer possess the qualities and feature which made it eligible for final certification.

(H) Notification. Marlboro County Council shall give notice to County assessor, auditor, and treasurer of the following:

- (1) upon certification of the property as a property eligible for the Special Assessment; and
- (2) any change affecting eligibility of the property for the special assessment

(I) Annual Application. Owners of properties certified as eligible for the Special Assessment under this ordinance shall make application to the County Auditor to begin the special assessment, and shall annually make such application for each year the assessment shall be in effect.

(J) Fiscal Year. To be eligible for the special tax assessment, a property must be certified as eligible for the Special Assessment before the first day of May of the year it intends to receive this treatment.

#### **VIII. EFFECTIVE DATE OF ORDINANCE.**

This Ordinance shall become effective immediately upon it receiving third reading by the Marlboro County Council.

**ADOPTED THIS 16th DAY OF February, 2006.**

(SEAL)

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Marion Wright, Chairman  
Marlboro County Council

Attest:

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Susan E. Rivers, Clerk to Council  
Marlboro County Council

First Reading: December 8, 2005  
Second Reading: January 12, 2006  
Third Reading: February 16, 2006